



U.S. Department of Justice

*United States Attorney
Southern District of New York*

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

May 13, 2015

By ECF

Hon. Thomas P. Griesa
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007-1312

**Re: *United States v. Peter Phillip Nash*
13 Cr. 950 (TPG)**

Dear Judge Griesa:

The Government writes respectfully to request an adjournment of sentencing in this matter, currently scheduled for May 26, 2015, so that the Government has a sufficient opportunity to respond to the lengthy sentencing memorandum recently filed by the defense. The defense opposes this request.

At the defendant's plea, which occurred on March 13, 2015, the defense requested an expedited sentencing date, which the Government did not oppose. Sentencing was scheduled for May 26, 2015. An initial pre-sentence report ("PSR") was submitted to the parties by the Probation Office on May 4, 2015. The final PSR has not yet been filed. It is due on May 19, 2015, the same date the Government's sentencing submission is due.

Yesterday, the defense filed a 32-page sentencing submission raising numerous objections to the facts set forth in the initial PSR as well as to various aspects of the Guidelines calculation contained therein. None of the defense's objections to the PSR were previously submitted to the Government or to the Probation Office; indeed, the Probation Office reports that it still has not received them. Particularly without the benefit of further development of the PSR, the Government will need to submit substantial briefing in order to respond to all of the issues raised in the defendant's submission. The current sentencing schedule – under which the Government's submission is due in just six days – does not provide sufficient time for the Government to do so. The Government needs an additional two weeks in order to prepare its submission and therefore seeks to adjourn sentencing to a later date.

The Government has been informed by Your Honor's courtroom deputy that the next date available on the Court's calendar for sentencing is August 7, 2015. The defense has

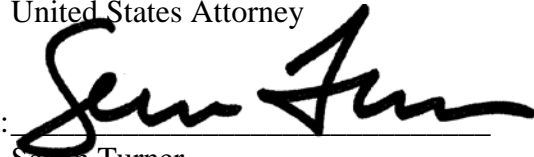
informed the Government that it opposes an adjournment of this duration. It should be noted, however, that an August 7, 2015 sentencing date would place the defendant in roughly the same position as he would have been if sentencing been scheduled in the ordinary course, as sentencing is typically scheduled three to four months following a plea. While the Government understands that the defendant is eager to proceed to sentencing, as is the Government, it is now clear that the expedited sentencing schedule originally requested by the defense does not afford sufficient time to develop the facts and law that should frame the Court's sentencing decision. Indeed, had the Government known of the breadth of issues the defendant intended to raise in his submission at the time the sentencing schedule was originally set, the Government would not have consented to an expedited sentencing in the first place.

Accordingly, the Government respectfully requests that the defendant's sentencing be adjourned until August 7, 2015.

Respectfully,

PREET BHARARA
United States Attorney

By:

A handwritten signature in black ink, appearing to read "Serin Turner", written over a horizontal line.

Serin Turner
Assistant United States Attorney

cc: Andrew Frisch, Esq.